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[No.17297—RDM-LRGEA-POLICY-0003/2023/R&DM.]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 15th May, 2023

## **Sub.- Creation of Land Bank for compensatory afforestation purpose**

Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non- forest uses under the provisions of the Forest (Conservation) Act, 1980.

2. In order to provide non- forest land for compensatory afforestation purposes, the State Government have taken several proactive steps in the past. During the year 1995, the Government vide erstwhile Revenue and Excise Department Notification No. 34161 dated the 4th August, 1995 published in the Extraordinary issue of the *Odisha Gazette* bearing No. 956 dated the 21st August, 1995 had delegated the power to Collectors to settle Abad Ajogya Anabadi land irrespective of extent in favour of the Forest Department for compensatory afforestation purpose. Similarly, the Government vide Revenue & Disaster Management Department Notification No. 42899 dated the 7th November, 2009 published in the Extraordinary issue of the *Odisha Gazette* bearing No. 1677 dated the 19th November, 2009 have delegated the power to Collectors to settle any category of government land irrespective of extent in favour of the Forest and Environment Department for compensatory afforestation purpose.

3. Similarly, in order to provide land in an expeditious manner for compensatory afforestation purpose in lieu of the forest land being diverted for various developmental projects, the State Government during the year 1998 had decided to constitute Land Bank in each district consisting of non- forest lands and degraded forest lands borne in Abad Ajogya Anabadi Khata and accordingly, Task Force in each district was constituted comprising of the Collector and the territorial D.F.O for expediting the work of identification

of such land for formation of Land Bank. Instruction was issued to all Collectors by erstwhile Revenue and Excise Department in letter No. 41629/R dated the 18th August, 1998 to the effect that while identifying Abad Ajogya Anabadi non- forest government land, due care should be taken so that lands which are capable of being converted for use for agricultural and allied purposes as also for other developmental purposes, are spared for such use.

4. The Forest, Environment & Climate Change Department, Government of Odisha in letter No. 19462/FE dated the 6th November, 2021 issued under the joint signature of the Additional Chief Secretary to Govt., FE&CC Department and Principal Secretary to Govt., Revenue & DM Department has also laid down detailed guidelines for identification of 10,000 ha. of Compensatory Afforestation Land Bank by Revenue & DM Department.

5. Recently, the Central Government, in supersession of the Forest (Conservation) Rules, 2003, have made the Forest (Conservation) Rules, 2022 which have been issued under Gazette of India Notification No. 480 G.S.R dated the 28th June, 2022.

6. Rule 11 (2) (a) of the aforesaid Rules prescribes that a State Government or Union territory Administration as the case may be, may for the purpose of Compensatory Afforestation create a Land bank under the administrative control of the Department of Forest. Clause (b) of the said sub- rule stipulates that the minimum size of the Land Bank shall be a single block of twenty five hectares provided that in case a Land bank is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 or under any other law for time being in force, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land. Further, as per rule 11 (1) (a) of the said Rules, the land to be provided by the user agency for compensatory afforestation purpose should neither have been notified as forest under the Indian Forest Act, 1972 or any other law nor being managed as forest by the Forest Department. So, if the provisions of only rule 11 (1) (a) are to be followed for creation of Compensatory Afforestation Land Bank, the Government have to include in the Land Bank only those land parcels which are neither notified as forest under the Indian Forest Act, 1972 or any other law nor managed as forest by the Forest Department.

7. However, the situation with regard to availability of land is getting worsened with passage of time. It has become difficult to find Government land for implementation of projects even for development purposes funded from the State Exchequer. In many occasions, land reserved for specific purposes in RoR are now required to be de-reserved for other public purposes. So, due to paucity, making available only the above categories

of land for creation of Compensatory Afforestation Land Bank has become a difficult task for the State Government.

8. On the other hand, as per Sl. No. 2 of the Schedule I *annexed* to the Forest (Conservation) Rules, 2022, land recorded as 'forest' in Government record but not notified as forest under any other law for the time being in force and land recorded as 'forest' in Government record but not being managed as forest by Forest Department can be provided by the user agency for compensatory afforestation purpose. This dispensation is allowed to proposals of Central Government and State Government only.

9. In the above case, the user agency shall be required to provide land for compensatory afforestation which is twice in extent to the forest land proposed to be diverted for non- forest purpose.

10. Taking all aspects in view, the Government, after careful consideration, have been pleased to decide as follows,-

- (i) 'Compensatory Afforestation Land Bank' shall be created in each District of the State by including degraded revenue forest lands only. The lands to be included in the Land Bank should not have been notified as forest under the Indian Forest Act, 1927 or any other law nor managed as forest by the Forest Department.
- (ii) The lands included in the said Land Bank shall be provided only for projects undertaken by Central Government Ministries/ Departments and State Government Departments requiring land for compensatory afforestation.
- (iii) While lands included in the said Land Bank will be provided to State Government Departments on free of all charges basis, the Central Government Ministries/ Departments shall be required to pay the cost of the land as would be fixed by the Collector of the concerned District.

11. The Government have further been pleased to lay down the following guidelines for identification of degraded revenue forest land for Compensatory Afforestation Land Bank, creation of such Land Bank and handing over land from such Land Bank to State Forest Department,-

**(A) Guidelines to be followed for identification of land**

- (i) The District Level Committee report on forest land in connection with Writ Petition (Civil) No. 202/ 1995 (T.N Godavarman Thirumulkpadvrs Union of India and others) available in the District Collectorate may be referred to for getting first- hand information on revenue forest land.

- (ii) Identified land should be a compact patch of minimum extent of twenty five hectares. However, if the land is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 or under any other law for time being in force, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land.
- (iii) It is preferable if the land parcel identified for Land Bank is contiguous to RF/ PRF/ PF as it will help in scientific management of the forest land.
- (iv) The Forest Canopy Density (FCD) of the degraded forest land should be less than or equal to 0.4 as per Decision Support System (DSS) of the Forest Survey of India to be verified by the concerned DFO.
- (v) The land should be free from encroachment and encumbrances. Non-encroachment and non- encumbrance certificates are required to be furnished by the concerned Tahasildar.
- (vi) As far as possible, the land should be suitable for carrying out Compensatory Afforestation and suitability certificate is to be furnished by the concerned DFO.

**(B) Guidelines to be followed for creation of Compensatory Afforestation Land Bank**

- (i) Land for Compensatory Afforestation Land Bank shall be jointly identified and verified by the officials of State Forest Department and Revenue & DM Department, not below the rank of Range Officer and Revenue Inspector respectively. A joint verification report to that effect shall be signed by the Range Officer and Revenue Inspector certifying that the land parcel meets the criteria stipulated at sub- Para. (A) above and the joint verification report shall be submitted by the concerned Revenue Inspector to the Tahasildar.
- (ii) The Tahasildar shall, on receipt of the joint verification report, cause verification with reference to the existing Record-of-Rights and maps, ascertain if the land is free from encroachment and encumbrance or not and if after verification, he is of the opinion that the identified land is suitable for compensatory afforestation, he shall recommend the joint survey report to the DFO concerned along with a non- encroachment and non- encumbrance certificate.
- (iii) The DFO shall record his remarks for CA suitability certificate and forward the report to the Collector.
- (iv) The Collector after verifying all the records and after being satisfied, shall recommend the proposal with detailed land particulars to Revenue & DM

Department for inclusion of the land parcel in Compensatory Afforestation Land Bank of the district.

- (v) Revenue & DM Department after obtaining Government approval shall notify the recommended land parcel as Compensatory Afforestation Land Bank. A copy of such notification shall also be furnished to State Forest Department. The notification issued by Revenue & DM Department along with detailed land schedule of the Land Bank shall be uploaded by the Collector in the District website.

**(C) Guidelines to be followed for handing over land from Compensatory Afforestation Land Bank to State Forest Department**

- (i) An user agency like State Government Department or Central Government Ministry/ Department requiring land from Compensatory Afforestation Land Bank may apply before the District Collector along with justification for locating the project in forest land and the Collector, after being satisfied with the justification, may give permission in writing to such user agency to take land from Compensatory Afforestation Land Bank. A copy of such permission letter shall also be submitted by the Collector to Revenue & DM Department as well as to State Forest Department and the concerned DFO. The user agency may include the details of that land parcel allowed by the Collector in its 'Compensatory Afforestation Plan' while submitting application under rule 9 (2) of the Forest (Conservation) Rules, 2022 for approval of the Central Government for use of forest land for non- forest purpose.
- (ii) After receipt of 'In- principle' approval of the Central Government to the proposal of the user agency from the Nodal Officer as defined under rule 2 (1) (r) of the Forest (Conservation) Rules, 2022, the Collector shall prepare a demand note containing the cost of the land and communicate the same to the user agency if such user agency is a Central Government Ministry/ Department.
- (iii) The user agency shall, after receipt of the communication, make payment of the cost of the land in the appropriate Head of Account of Revenue & DM Department and submit a copy of the documentary evidence of such payment to the Collector.
- (iv) The Collector, after having received the documentary evidence of payment of cost of the land from the user agency, shall order for handing over the required land from Compensatory Afforestation Land Bank and on receipt of

the order from the Collector, the concerned Tahasildar/s shall mutate the land in the name of the State Forest Department.

- (v) On the other hand, if the user agency is a Department of the State Government, after receipt of 'In- principle' approval of the Central Government to the proposal of the user agency from the Nodal Officer, the Collector shall order for handing over the required land from Compensatory Afforestation Land Bank and on receipt of the order from the Collector, the concerned Tahasildar/s shall mutate the land in the name of the State Forest Department.
- (vi) After mutation in its name, the State Forest Department shall notify the land as Reserve Forest (RF)/ Protected Forest (PF) under the relevant provisions of the Odisha Forest Act, 1972 prior to submitting the proposal of user agency to the Central Government seeking final approval.

**12.** All previous decisions taken by the State Government in the matter of creation of Compensatory Afforestation Land Bank are hereby superseded.

**13.** This has been concurred in by Forest, Environment & Climate Change Department, Government of Odisha.

**ORDER-** Ordered that the Resolution be published in an Extraordinary issue of the *Odisha Gazette* and copies thereof be forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

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By Order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government